IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1686 of 2005

Between:

K. Veereshwar Rao, S/o. Late K. Nagaiah,
R/o. 15-5-649, Akberja Bazar, Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner of Police, East Zone, Amberpet, Hyderabad.
2 The Assistant Commissioner of Police, East Zone, Sultan Bazar, Hyderabad.
3 The Station House Officer, Police Station Chaderghat Bridge,
Chaderghat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the respondents to provide police aid to the Court Bailiff while executing the Warrant of delivery of possession and demolish the structures in respect of the property i.e., property bearing municipal No. 16-2-705/1/5&1/4, admeasuring 1350 sq.yards, situated at Malakpet, Hyderabad, issued in E.P.No.6/1988 in O.S.No.625/1976 vide Orders dt. 31-01-2005 on the file of II Senior Civil Judge, City civil Court, Hyderabad, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.P.SHIV KUMAR

Counsel for the Respondents 1 to 3: GP FOR HOME

The Court made the following:

ORDER:

The petitioner is a decree-holder in O.S.No.625 of 1976 on the file of the II Senior Civil Judge, City Civil Court, Hyderabad. E.P.No.6 of 1988 filed by him is pending for delivery of the suit schedule property.

The petitioner submits that the litigation was fought for almost last three decades and it is only in the recent past it assumed finality and the decree is ripe for execution. He obtained resistance from the judgment-debtor therein and seeks police protection from the respondents.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The protection sought by the petitioner is in relation to the execution of a decree i.e., delivery of possession of immovable property. The C.P.C. is a self-contained Code and provides for all eventualities in

case, the bailiff who is entrusted with the duty of delivery of possession of the property is obstructed by anyone, he can certainly submit a report to the executing Court which in turn shall issue a direction to the local police to aid the bailiff in executing the decree. That stage has not yet arisen in this case.

Therefore, the writ petition is disposed of leaving it open to the petitioner to approach the executing Court in the event of there being any resistance in the process of execution of the decree. As and when such application is filed, the executing Court shall pass necessary orders so as to give effect to the decree without any further loss of time. There shall be no order as to costs.

04.02.2005

Note:

Issue CC by 07.02.2005

B/o

DR

To

1 The Deputy Commissioner of Police, East Zone, Amberpet, Hyderabad.
2 The Assistant Commissioner of Police, East Zone, Sultan Bazar, Hyderabad.
3 The Station House Officer, Police Station Chaderghat Bridge, Chaderghat, Hyderabad.

4 2 CCs to Government Pleader for Home, High Court Buildings,

Hyderabad. (OUT)

5 2 CD copies